

CALIFORNIA DEPARTMENT OF INSURANCE
LEGAL DIVISION
Enforcement Bureau
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Attorneys for Steve Poizner,
Insurance Commissioner

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA
SACRAMENTO**

In the Matter of the Application of:

NICHOLE LYNN COMLEY,
a/k/a NICHOLE LYNN LEIBERT,

Respondent.

File No. LBB 3501-AP

OAH No. L2007040606

NOTICE OF REJECTION OF PROPOSED
DECISION

[Gov. Code § 11517(c)]

This matter came on regularly for hearing before Richard J. Lopez, Administrative Law Judge, Office of Administrative Hearings, Los Angeles, California, on June 19, 2007.

Complainant, the Insurance Commissioner of the State of California, was represented by Danette Castillo-Brown, Senior Staff Counsel with the California Department of Insurance. Nichole Lynn Comley, Respondent, appeared in person and was represented by George V. Vargas, Attorney at Law.

The Administrative Law Judge submitted his proposed decision dated July 13, 2007, under the provisions of Section 11517 of the California Government Code, which Proposed Decision is hereby ordered officially filed, and a copy is attached hereto.

The Insurance Commissioner has considered, but has rejected the Proposed Decision and will decide such matters upon the record pursuant to the provisions of subdivision (c)(2)(E) of Section 11517 of the California Government Code.

1 In accordance with the above-referenced provision of the California Government Code, and
2 prior to the issuance of a final decision by the Insurance Commissioner:

- 3 1. You are entitled to a copy of the record. You will be required
4 to pay the direct costs of making the copy; and,
- 5 2. You may submit written argument to the Insurance
6 Commissioner.

7 If you want a copy of the record and/or intend to submit written argument to the Insurance
8 Commissioner, please notify the Department, in writing, within 30 days of the date of this notice.

9 If you do not reply to this notice in writing within 30 days of the date set forth below, the
10 Insurance Commissioner will decide the case upon the record, and will issue his decision without
11 further notice to you.

12 The Insurance Commissioner must issue his decision in this matter not later than 100 days
13 after the date of this Notice of Rejection unless the transcript of the hearing is ordered. If the
14 transcript is ordered the decision must be issued not later than 100 days after the Insurance
15 Commissioner receives the transcript.

16 You may authorize the Insurance Commissioner to decide the case upon the record,
17 without including the transcript of the hearing. If you desire to do so, please notify the
18 Department in writing within 30 days of the date of this notice.

19 You may request that the Insurance Commissioner reconsider this Decision pursuant to
20 California Government Code §11521. The power to order a reconsideration shall expire 30 days
21 after the delivery or mailing of a decision to a respondent, or on the date set by the agency itself
22 as the effective date of the decision if that date occurs prior to the expiration of the 30-day period
23 or at the termination of a stay of not to exceed 30 days which the agency may grant for the
24 purpose of filing an application for reconsideration. If additional time is needed to evaluate a
25 petition for reconsideration filed prior to the expiration of any of the applicable periods, an
26 agency may grant a stay of that expiration for no more than 10 days, solely for the purpose of
27 considering the petition.

28 This Decision shall be effective thirty (30) days from the date of this order.

1 IN WITNESS WHEREOF, I have hereunto set my hand and affixed it by this official seal,
2 this __9th__ day of _August_____, 2007.

3
4 STEVE POIZNER
Insurance Commissioner

5 *Original signed by:*

6
7 By: _____
8 SUSAN STAPP
Deputy General Counsel

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